

**From:** Saucedo, Luis E (CRT) <Luis.E.Saucedo@usdoj.gov>  
**Sent:** Friday, June 18, 2021 7:39 PM  
**To:** John Romero; Denise Rodriguez; ra@calopsc.com; Javier Gonzalez; Luis Hidalgo; Alejandro del Carmen; Tom Petrowski; Gary Loeffert; Rafael Barreto-Sola; Gabriel A. Peñagaricano-Valdés; Marta L. Rivera-Ruiz; Arthur Garffer; cjfigueroa; Jose C Vazquez Rivera (PPR); Castillo, Jorge (CRT); Lopez, Sarah (CRT); Chahal, Simrandeep (CRT)  
**Subject:** RE: PRPB: June 253 Meeting  
**Attachments:** Tabla Distribución \$11 Millones; Pages from 992 Transcript of Aug 2018 Status Conference-2.pdf

Good evening,

I'm writing to follow up on our request for information regarding the Commonwealth's expenditures from reform-related allocations for FY20-21 (item 7 in the 253 meeting agenda). Our discussion today centered around the annual \$20M allocation. We'd like to include, as part of our request for information on expenditures, the \$11M allocation that PRPB told us would be used for IT expenses. For reference, I'm attaching an email from LTC Alba Diaz, dated 10/22/20, with an attachment containing a table showing the distribution of the \$11M.

I'm also including relevant pages from the court transcript of the August 20, 2018, status conference where the Court heard presentations on the use of the \$20M annual allocations and funds received from DOJ's Equitable Sharing Program. You'll see that for the first five years of the case, the Commonwealth did not spend about \$20M from \$100M allocated. This prompted the Court to express concern and to instruct the Commonwealth to submit monthly accounting reports on the expenditure of these funds to the Monitor and DOJ. Our request today is consistent with the Court's 2018 instructions.

Please let us know if you have any questions or would like to discuss.

Thank you,  
 Luis

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**From:** Saucedo, Luis E (CRT)  
**Sent:** Thursday, June 17, 2021 1:04 PM  
**To:** John Romero <jrrjr.romero@gmail.com>; 'Denise Rodriguez' <DRodriguez\_PRI@outlook.com>; 'ra@calopsc.com' <ra@calopsc.com>; 'Javier Gonzalez' <javier.benito@me.com>; 'Luis Hidalgo' <luis.g.hidalgo@gmail.com>; 'Alejandro del Carmen' <delcarmen@specialmasterpuertorico.com>; 'Tom Petrowski' <petrowski@specialmasterpuertorico.com>; 'Gary (gloeffert@specialmasterpuertorico.com)' <gloeffert@specialmasterpuertorico.com>; 'Rafael Barreto-Sola' <RBarreto@cnr.law>; 'Gabriel A. Peñagaricano-Valdés' <gpenagaricano@cnr.law>; 'Marta L. Rivera-Ruiz' <mrivera@cnr.law>; 'Arthur Garffer' <AGarffer@dsp.pr.gov>; 'cjfigueroa' <cjfigueroa@policia.pr.gov>; 'Jose C Vazquez Rivera (PPR)' <JCvazquez3@policia.pr.gov>; Castillo, Jorge (CRT) <Jorge.Castillo@usdoj.gov>; Lopez, Sarah (CRT) <Sarah.Lopez@usdoj.gov>; Chahal, Simrandeep (CRT) <Simrandeep.Chahal@usdoj.gov>  
**Subject:** RE: PRPB: June 253 Meeting

Hello all,

Below is a proposed agenda for the 253 meeting tomorrow.

1. Follow-up on periodic meetings with PRPB regarding document production

2. Update on finalizing protocol on appointments to auxiliary commissioner positions
3. Interviews with PRPB personnel – how to address when staff are on leave or unavailable for interviews
4. Follow-up on allegations of cheating in virtual training courses (we did not cover this during the tour last week)
5. Update on timing for draft CMR-4
6. Update on conducting community survey under Paragraph 241
7. Expenditures from Reform Budget – we'd like to resume getting updated information on reform-related expenditures. See, e.g., attached spreadsheet from FY18-19.
8. Status of policy review for June 2021 and projection of upcoming policies for July 2021.

Please let us know if you have any other issues or topics to add.

Thank you,  
Luis

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-----Original Appointment-----

**From:** Saucedo, Luis E (CRT)

**Sent:** Tuesday, June 8, 2021 9:34 PM

**To:** John Romero; Denise Rodriguez; [ra@calopsc.com](mailto:ra@calopsc.com); Javier Gonzalez; Luis Hidalgo; Alejandro del Carmen; Tom Petrowski; Gary ([gloeffert@specialmasterpuertorico.com](mailto:gloeffert@specialmasterpuertorico.com)); Rafael Barreto-Sola; Gabriel A. Peñagaricano-Valdés; Marta L. Rivera-Ruiz; Arthur Garffier; [cjfigueroa](mailto:cjfigueroa); Jose C Vazquez Rivera (PPR); Castillo, Jorge (CRT); Lopez, Sarah (CRT); Chahal, Simrandeep (CRT)

**Subject:** PRPB: June 253 Meeting

**When:** Friday, June 18, 2021 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** ZoomGov

Join ZoomGov Meeting

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**From:** Alba I Diaz Torres <AlDiaz2@policia.pr.gov>  
**Sent:** Thursday, October 22, 2020 10:08 AM  
**To:** rbandas@cnr.law; Saucedo, Luis E (CRT); john romero  
**Cc:** Clementina Vega Rosario; Iran Sanchez Davila  
**Subject:** Tabla Distribución \$11 Millones  
**Attachments:** Distribución Nueva Asignación \$11 Millones.docx

Buenos días:

Según acordado en la reunión del día de ayer adjunto la tabla solicitada. Nótese que de las cuatro partidas señaladas, la de la Actualización del CAD y la de los 1,300 Radios Portátiles son actuales, o sea, ya se certificaron y procesaron. Las otras dos partidas separadas están en espera de la cuantía final según se soliciten, lo anotado en estas representa una proyección.

Cordialmente,

***Tnte. Cnel. Alba Iris Díaz Torres 2-18280***  
***Directora Auxiliar***  
***Oficina de Reforma***  
***Tel 787-793-1234 Ext 2420 o 2422***  
***787-646-1527***  
***aidiaz2@policia.pr.gov***

**Distribución Fondos Nueva Asignación \$11 Millones:**

<b>Servicio o Equipo</b>	<b>Presupuestado</b>
Actualización CAD Dispatch, Mobile y GTE	\$3,482,070.00
1era Fase (80 Módulos) Inclusión 332 Formularios al CAD e Interconexión	\$2,400,000.00
1,300 Radios Portátiles y Accesorios	\$2,444,000.00
1,266 "Tablets" de Grado Militar (\$2,094.00 cada una)	\$2,651,004.00
Incentivo Retención de Personal en la Oficina de Reforma	N/A
<b>Total:</b>	<b>\$10,977,074.00</b>

1 cooperation so we don't have to reach this extent.  
2 And obviously the most drastic sanction would be a  
3 receivership over the entire police bureau -- which,  
4 again, don't put me in that position, and I hope it's  
5 not going to happen. But I need to alert everybody  
6 because of the importance of this issue.

7 Now, those are some general comments that I  
8 have. We're going to begin with -- I know there's a  
9 canine out there somewhere so perhaps if we can begin  
10 with the canine division.

11 Yes?

12 (The Court confers with the Monitor.)

13 THE COURT: Let me go to budget first and  
14 then we'll talk about the canine division. So, let  
15 me make some general comments. What the procedure is  
16 going to be throughout the afternoon, I'll hear first  
17 from Mr. Saucedo then I'll hear from the  
18 Commonwealth. If the Monitor has any comments also I  
19 will hear from him as to that item. And then at the  
20 end of the day I know the Commissioner's here,  
21 Mr. Orona is here, so I will allow him to make other  
22 general comments in the bigger framework.

23 So as to -- let me begin as to the budget  
24 and I'll make a general observation -- I'll make two  
25 general observations and then I'll hear from

1 everybody. Now, I do note that, again, this is -- I  
2 have information that's been provided for the budget  
3 for the years 2014, 2015, 2016, -17, and -18, for the  
4 years this case has been ongoing. Now, what is  
5 concerning to the Court is the fact that  
6 approximately there's \$20 million a year that are  
7 provided for the Reform aside from -- again, this has  
8 nothing to do with the Monitor's office, but from the  
9 Reform for the Police of Puerto Rico. And looking  
10 longitudinally at all those years, there are years  
11 when most of the budget has been used but, for  
12 example, in 2017 there's almost like \$15 million that  
13 were not used throughout that year. And right now  
14 we're in -- that's fiscal year 2017/18. We're in the  
15 new fiscal year 2018/19 so that's not startling.

16 There's another item I'd like to ask also.  
17 In 2014 I see there's almost \$7 million in travel.  
18 Again, I know there was a different administration  
19 but I'd like to ask if anybody has an idea why was so  
20 much spent in travel. What kind of travel? I just  
21 can't fathom spending that amount of money. The  
22 other issue --

23 MR. TORRES-ORTÍZ: Your Honor, if I may.

24 THE COURT: Yes.

25 MR. TORRES-ORTÍZ: If I may just correct

1     that. I just talked with the police director from  
2     the reform office and they explain me that the table  
3     that was given has an error because it's supposed to  
4     say -- in Spanish it's *gasto de viaje* and *misceláneo*.  
5     So it would be miscellaneous also. So there are  
6     other costs other than just travel.

7             THE COURT: Okay, but I would like to know  
8     what's miscellaneous, what's other, what's travel.  
9     Because, for example, 2014 if we put travel and  
10    miscellaneous, \$6,659,306.17. That's a lot. 2015,  
11    \$1,720,900.70. 2016, no travel, no expenditures.  
12    2017, \$14,000; 2018 so far it's been 32,000. But,  
13    again, those numbers -- at least those two first  
14    years 2014 -- 15 are alarming. And, again, I'd like  
15    to know -- this was not during this administration,  
16    but I'd like to know what was that.

17            The other thing I think is important for  
18    purposes of the budget, and I'll just make a general  
19    comment, when -- I know there's been issues  
20    throughout the entire island, the government, with  
21    PROMESA but specifically Section 204/1, this is a  
22    case that there's an agreement between the parties  
23    and cases that there's an agreement and payments have  
24    to be made or disbursed such as this, the fiscal  
25    board cannot touch upon those.

1           In the hierarchy, you know -- and, again, I  
2     know this is probably an appeal but even assuming the  
3     fiscal board is correct that there's the three  
4     branches of the constitutional government in Puerto  
5     Rico -- you have the executive, legislative, and  
6     judicial, and because of PROMESA the fiscal board has  
7     been put on top for fiscal matters, if  
8     ultimately that is -- I know Judge Swain basically  
9     made that ruling -- again, that can be appealed, it  
10    can be taken to the Supreme Court if necessary -- but  
11    even assuming that ruling is sustained, the PROMESA  
12    board -- you know, this court is a federal court, the  
13    PROMESA board is a Commonwealth entity created by  
14    federal law, but it's a Commonwealth entity so the  
15    fiscal board must respect and has to oblige to any  
16    rulings pertaining to budget in the police reform.

17           The fiscal board cannot say, Oh, it's 20  
18    million per year, we're going to give it 13 million.  
19    That cannot be touched. So I just want to make that  
20    very clear because the budget in this case is outside  
21    of the scope of PROMESA. It is the government's  
22    budget, but that is -- the PROMESA law specifically  
23    looks into that.

24           So, having said that, what I'd like to hear  
25    regarding budget first is to hear from Mr. Saucedo



1       then I'll hear from Mr. Torres.

2               MR. SAUCEDO: Good afternoon, Your Honor.

3       With respect to budget, the parties and the TCA had a  
4       meetings last week at police headquarters where these  
5       figures were presented including the spent and  
6       unspent funds during the capacity-building period  
7       which began with the appointment of TCA in June of  
8       2014.

9               We share the Court's concern about some of  
10       these funds being unspent. Last year we had a bit of  
11       a crises where the money that had been allocated from  
12       the asset forfeiture program were frozen and that led  
13       to a number of requests for materials, for training,  
14       for other critical needs of the police bureau to have  
15       gone unmet for a period of time. Luckily, we did  
16       have a breakthrough ultimately, but I note that it  
17       coincided with the 2017 year where a large portion of  
18       the budget was unspent. That is approximately  
19       \$15 million.

20              The TCA office and the members of his team  
21       are every month visiting precincts all over the  
22       island and they're noting serious deficiencies in the  
23       lack of radios, the lack of other critical equipment;  
24       and so it's of concern that this money was gone and  
25       spent given the number of needs that Puerto Rico has

1 to meet.

2 Ultimately, Your Honor, the  
3 capacity-building period was included as part of this  
4 case to put the police in the best possible position  
5 to successfully implement the Agreement. So there  
6 have been many investments made. Our understanding  
7 is that a lot of the more costly information systems  
8 are still in development, being implemented; but they  
9 were started during the capacity-building period and  
10 those are moving along.

11 Your Honor, as you also noted, PROMESA at  
12 Section 204 and then again later in Section 304 the  
13 law itself provides that the fiscal control board  
14 cannot impede the actions taken by the Commonwealth  
15 to comply with the consent decree. So one has to ask  
16 sort of what was happening within the Commonwealth  
17 for this to have happened given that PROMESA was not  
18 an impediment itself to the funds that were being  
19 allocated.

20 I also -- I do want to note, Your Honor,  
21 that both the certified budget and I believe also the  
22 other budgets that were approved this fiscal year  
23 include the \$20 million. And we know that --

24 THE COURT: So for this year's budget again  
25 there's no issue with the fiscal board. Last year or

1 this year there have not been any issues.

2 MR. SAUCEDO: That's correct, Your Honor.

3 That's correct. And we would ask, Your Honor, that  
4 in the self reports that the Commonwealth provides to  
5 this Court -- the next one is due September 24th --  
6 that those reports include the same information that  
7 we're receiving today, the number of -- the amount of  
8 money allocated and the amount of money spent;  
9 because we do believe that it's very important, given  
10 the challenges facing the island, that there be  
11 greater transparency in the use of these funds. And  
12 so --

13 THE COURT: We're beginning in October the  
14 monitoring phase. What I'm going to ask is that on  
15 the 1st of each month the Commonwealth inform the  
16 parties -- and, again, this doesn't have to be filed  
17 with the Court -- and actually I would like to see it  
18 also on a monthly basis. But what I'll do is give it  
19 informally to the parties, I'm going to ask the  
20 Monitor to provide me a copy just so I can see it,  
21 but it should be provided the 1st of each month.  
22 That's my directive as of now on. And I think it's  
23 important because that way either the U.S. DOJ or the  
24 Commonwealth -- the Commonwealth or the TCA, anybody  
25 can say, What's this item or why haven't we spent

1     this amount or why have we spent more? And I think  
2     it helps everybody so...

3             MR. SAUCEDO: Your Honor, I have nothing  
4     further on the budget.

5             THE COURT: Okay, let me just double-check  
6     if I have any questions for you and, if not, I'll go  
7     to the Commonwealth. Let me then hear -- and I want  
8     to recognize -- I don't know if Mr. Torres noted that  
9     she was here but Clementina Vega, the director of the  
10    police reform office, is here as well.

11            Now, Mr. Torres, my question then I'll hear  
12    from you in regards to everything that I've mentioned  
13    and Mr. Saucedo, but my question is if -- I  
14    understand, for example, if last year there was  
15    budget that was unused, approximately 15 million or a  
16    little over that, is that budget still available to  
17    the Reform or where is that budget? And if it's not  
18    available, was it spent or what happened? That's my  
19    big question. Sorry to put you in that spot but...

20            MR. TORRES-ORTÍZ: Yes, Your Honor. Well,  
21    because of Law 26 of the Commonwealth, that money  
22    that was not used for the Commonwealth -- I mean, for  
23    the police reform, it was sent back to the Department  
24    of Treasury of Puerto Rico. So, it is not available  
25    at this moment to be used in the police reform.

1 But --

2 THE COURT: So that money what was not used  
3 for any past fiscal year, Treasury has that or it's  
4 not earmarked for the reform anymore?

5 MR. TORRES-ORTÍZ: Yes, Your Honor. And  
6 that's due to local Law 26 of the Commonwealth.

7 THE COURT: So what you're saying is that  
8 when local Law 26 was enacted due to the, I guess,  
9 bureaucratic, administrative, all those other  
10 changes, those moneys were not used to further the  
11 Reform?

12 MR. TORRES-ORTÍZ: They were not used, Your  
13 Honor. But I think it's important to note -- and I  
14 would like to allow the budget director to give more  
15 information on the budget across the board on the  
16 whole year. But I think it is important to know  
17 that, you know, in these past years \$80 million have  
18 been used in the police reform; and that's an  
19 incredible amount of money that could not have been  
20 used if this police reform wasn't in place. So, you  
21 know, the Commonwealth has to thank Mr. Saucedo, the  
22 United States, and also the Court and TCA because  
23 without this police reform we wouldn't be able to use  
24 and invest in the police \$80 million.

25 We need to have better use of the

1     \$20 million that are being assigned each year. I  
2     think it's important that, you know, we recognize  
3     that that year was a transition administration year  
4     and, you know, that brings, you know, its  
5     difficulties. And we want to take measures so that  
6     that does not happen again.

7             And we have to agree that the order that you  
8     just informed the Court and we will comply with that  
9     order. And first month we will talk how we're going  
10    to comply and inform, you know, the money that is  
11    being used for the police reform.

12            THE COURT: For example, compare if you add  
13    2014, 2015, 2016, and 2017 that's \$80 million; 20  
14    million for each year of the Reform. And almost  
15    every year I would say at least -- I have the numbers  
16    here. In 2014, \$985,973.27 were not used, so 1almost  
17    19 million were used.

18            In 2015, 17,331,049.78 were used, so  
19    approximately 2.23 million were not used. In 2016,  
20    \$19,382,549.08 were used, so that left 617,450.92 not  
21    used. But then we go to 2017, it's \$4,853,822.13  
22    used, but that leaves 15,146,177.87.

23            Now, if we look at those four years  
24    globally, out of \$80 million that were provided by  
25    the legislative assembly to the Reform that means

1     that almost 20 million, so a fourth were not used for  
2     the reform. And, again, last year it was the bill  
3     bulk, it was 50 million, but in the other years -- so  
4     it's money that's been available there that the  
5     legislative hasn't used.

6             Now, if we go to 2018 and the fiscal year  
7     for 2018 began in July, so we have one month and  
8     we're halfway through August. Out of those 20  
9     million, \$6,633,419.16 has been used. Now, I don't  
10    know if this is a red flag or not, but it would  
11    appear to me that we have 12 months, it should be  
12    more than that. Or, again, there may be other months  
13    where there's other things coming, but that's how we  
14    stand now. And I'm not raising a red flag, but if  
15    for every other month that is the amount spent, there  
16    is going to be probably about 13, 14 million unused.

17            So, that is the Court's concern. And,  
18    again, I think that's why the money has to be tracked  
19    so it's used. U.S. DOJ and the Monitor can always  
20    recommend, You're not using this, or it can ask --  
21    again, I think this is important because we see how  
22    the moneys are spent in attorneys, medical services,  
23    professional services, purchases, materials,  
24    equipment.

25            Something I -- again, when you look to

1 equipment, this year out of one month in the fiscal  
2 year almost 5 million --

3 MR. ORONA-AMILIVIA: Your Honor, if I may  
4 interject, to be clear on the table, that's the  
5 fiscal year. So when it says 2017 it's fiscal year  
6 2016-2017.

7 THE COURT: Yes, that ends in 2017.

8 MR. ORONA-AMILIVIA: So when we're talking  
9 about 2018 it's the past fiscal year, 2017-2018. So  
10 the \$19.3 million that's for the past fiscal year.

11 THE COURT: Yes, for 2018 almost the whole  
12 budget was used.

13 MR. ORONA-AMILIVIA: Yes, exactly.

14 THE COURT: And now we're beginning with the  
15 new budget. This doesn't -- again, that was my  
16 mistake.

17 MR. SAUCEDO: Your Honor, one other point of  
18 clarification and that is that the Commonwealth  
19 included fiscal year 2013-14, so in fact it's  
20 five years, not four years.

21 THE COURT: It's five years.

22 MR. SAUCEDO: That's correct. So there's  
23 \$100 million that were assigned for Reform.

24 THE COURT: Out of which I believe  
25 20-something million were not used in that five-year



1 period.

2 MR. SAUCEDO: That's correct, Your Honor.

3 THE COURT: So it would be probably about a  
4 fourth of...

5 Okay. So, again, I think if -- I have no  
6 other issues. I don't know if the Monitor has  
7 anything he'd like to mention about this. I think  
8 with my directives for the first of each month that  
9 the Monitor and U.S. DOJ be provided this breakdown  
10 everybody will be in a better position. Do you  
11 agree, Mr. Claudio?

12 TCA ARNALDO CLAUDIO: Yes, Your Honor, I  
13 agree. The only thing that I would add to that is  
14 the fact that when there's a distribution of money  
15 within the Reform, it needs to be very clear in the  
16 aspects of what is being used. To use "travel" and  
17 "miscellaneous" is not going to cut it; they have to  
18 be very specific.

19 THE COURT: So they should be separated.  
20 And this fiscal year is beginning, but I think it's  
21 important. And, again, the Monitor or U.S. DOJ may  
22 have more specific questions so whenever that's asked  
23 that should be provided because it could be what kind  
24 of travel -- was this training? Was this other type  
25 of travel? So, that's Issue 1.

1           Let's move on to the second matter on the  
2 agenda and that is the canine division. Let me note,  
3 as my introductory remarks that I believe it was  
4 towards the end of 2016 along with Mr. Claudio -- and  
5 Attorney Saucedo arrived after finding it a little  
6 late, but he did make it there because it's almost  
7 impossible to find the canine unit. But we went  
8 there. There had been many issues in the years  
9 before 2016 of the canine unit, the handler, the  
10 kennel master had to be recertified, again it was  
11 sent. And there were a lot of issues.

12           The kennel master I believe in 2016 or late  
13 2015 went to training in Indiana -- I think it was in  
14 Indiana somewhere, he got recertified. And then  
15 other additional folks in the division were certified  
16 as well. A lot of money was invested in that  
17 division, and around the end of 2016 it was operating  
18 like at a 90 percent capacity. It was very  
19 impressive compared to what it had before.

20           Now, the information that I have is  
21 notwithstanding that investment and the funds for  
22 that division the operation is somewhere around  
23 50 percent or less. I think these canines -- I don't  
24 think, I know from my perspective as a judge, they're  
25 very useful. I've had several cases where obviously